

**CITY COUNCIL MINUTES****September 24, 2012****REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, September 24, 2012 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER****ROLL CALL:**

**Council Members Present:** Mike Holmes, William Kirby\*, Bridget Powers, Kevin Hanley

**Council Members Absent:** Keith Nesbitt, William Kirby absent for items 6-8.

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Public Works Director Bernie Schroeder, Transit Manager Megan Siren, Community Development Director Will Wong, Police Chief John Ruffcorn and Administrative Services Director Andy Heath.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

**MOTION: Powers/ Kirby/ Unanimously approved by voice**

1. **Conference with Labor Negotiators:**  
(G.C. 54957.6)

Agency Designated Representatives: Robert Richardson, Patrick Clark

Employee Group: Auburn Police Officers Association (APOA)

**REPORT OUT OF CLOSED SESSION**

Mayor Hanley said the City Council gave direction to the labor negotiators regarding APOA; there was no reportable action.

**PLEDGE OF ALLEGIANCE****MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

Mayor Hanley presented a Manufacturing Day Proclamation. Dave Snyder, Carol Pepper-Kittredge, Peter Efstathiou, and James Anderson gave a short presentation regarding local programs.

## AGENDA APPROVAL

The agenda was approved by consensus of the Council.

## CONSENT CALENDAR

### 1. Minutes

By **MOTION**, approve City Council Minutes of 8/27/2012 and 9/10/2012.

### 2. Appointment to the Board of Directors for the California Transit Indemnity Pool (CalTIP)

By **RESOLUTION 12-102**, authorize the appointment of the position of Director of Public Works as the Board Director and the position of Administrative Analyst/Transit Manager as the Alternate Director to the California Transit Indemnity Pool.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION**, approve the consent calendar.

**MOTION: Holmes/ Powers/ Approved 4:0 (Nesbitt absent)**

### 3. Public Comment

Renee Dubois, resident of Roseville, spoke of ways to make an impact on the local and national economy. She spoke of the importance of using American-made materials and goods; and gave the example of the home she is building in Newcastle.

Megan Siren, Transit Manager, spoke of the free medication take back event this Saturday. She also announced that on October 6<sup>th</sup> and 7<sup>th</sup> there is a free household hazardous waste event at the fairgrounds hosted by Western Placer Waste Management Authority.

## PUBLIC HEARING

### 4. Mobile Food Vending on Private Property

Community Development Director Will Wong presented this item. He explained the Planning Commission's actions and recommendations.

Council Member Holmes asked about non-restricted areas for mobile food vendors to operate. He also asked about push-cart businesses, paved lots, vacant lots, the pooling system for sales tax, and use permits.

Will Wong explained what areas of Auburn would be open for mobile food vendors and the applicable restrictions. Andy Heath explained how the pooling system for sales tax is determined in Placer County.

Council Member Powers asked for clarification in regards to the prohibition of any mobile food vending in the Historic Design Review Districts. She asked about time limits for the mobile food vendors.

Will Wong said the current city policy allows mobile food vending for a maximum of 30 minutes at any one place. He said the new ordinance would allow a use permit for up to two hours at any one location on private property.

Council Member Kirby asked how a permit would be issued for a vendor that utilizes multiple locations. He also asked about sales tax, paved lot requirements, comparisons with other historic districts, and available properties in Old Town.

Mayor Hanley asked about enforcement on private property, the correction on the revised ordinance regarding vacant lots, the verbiage regarding a secondary business requirement, and multiple food vendors on one lot.

Council Member Holmes asked about mobile food vending at construction sites.

Mayor Hanley addressed the sales tax pool and possible benefits.

Andy Heath explained further how the Placer County tax pool works and how it benefits the City.

\*\*\*Council recessed for 5 minutes\*\*\*

Public comment in favor of mobile food vending in Auburn:  
Alex Constantino, Local Business Owner; Mark Foley of Newcastle; Bill Vaughan, Local Business Owner; Charles Robb of Auburn, Mary Ebbert-Robb of Auburn; Jackie Weston, Local Business Owner; Linda Soucek; and Robert Snyder of Auburn.

Public comment in opposition of mobile food vending in Auburn  
Eric Nordby, Local Business Owner and Dion Isaacson, Local Business Owner.

Public comment regarding mobile food vending: Joe Labrie of Auburn and Wade Johnson.

Council Member Kirby said he does not have the information he needs to make a decision at this meeting. He said he would like to see what other communities are doing. He also said it would be nice to hear the Business Association's position on this issue. He said there are many issues with the ordinance that way it is currently being proposed. He said he would like the ordinance to go back to the Planning Commission and get more public involvement.

Council Member Powers said she would also like to see what other communities are doing about mobile food trucks. She said she would like to look into a way to incorporate business improvement district fees into permit fees if a truck is located in one of those districts.

Council Member Holmes said he is concerned with the 2-1 Planning Commission vote. He said he would have preferred all eligible voting members be present. He said he wants more information on the ability to have mobile food vending at work/construction sites. He said he would like to see some of the restrictions on the proposed ordinance reduced.

Mayor Hanley said he feels enough information has been presented to make a decision. He said he feels the role of the City of Auburn is to protect the health and safety of residents and business owners, to encourage business owners to compete for customers on a level playing field and to allow consumers to make choices on what goods and services they want to purchase. He said the goal should be to try to establish free and fair competition without free rides on other people's investments. He said he supports a ban on food trucks operating in the Old Town Historic District due to the narrow streets, limited parking, and crowded sidewalks. He said the same ban could not be justified in the Downtown Historic District. He proposed revised wording for the ordinance to ban Old Town locations only. He proposed a \$400 Business Improvement District fee for any mobile food truck operating within the Downtown District. He addressed the benefit of sales tax through the Placer County tax pool. He proposed revised wording to confirm the sales tax would be paid through the pooling arrangement. He proposed verbiage to clarify only one mobile food truck per lot. He proposed signage on mobile food trucks addressing the use of restrooms at neighboring businesses. He addressed "exaggerations" in the "findings" section of the ordinance (159.176.010) and asked that they be revised.

Council Member Powers requested a revision to the ordinance to allow for un-paved lots.

Council Member Kirby said due to the revisions requested and lack of information, he feels this ordinance needs more time and more review.

Mayor Hanley suggested staff draft a revised ordinance ("alternative A") and bring it back to a future meeting with more business owner and public involvement.

Council Member Holmes agreed and said he would especially like to see input from the Old Town and Downtown Business Associations.

By **MOTION**, continue this public hearing to the October 22, 2012 City Council Meeting, direct staff to prepare "Alternative A" ordinance draft, gather additional information about other jurisdictions on how they are handling mobile food vending businesses, complete outreach to the business organizations, and have the City Attorney provide background on any legal issues related to this proposed ordinance.

**MOTION: Hanley/ Holmes/ Approved 4:0 (Nesbitt absent)**

5. **Mobile Food Vendors, in the Public Right of Way, in the City of Auburn**

Community Development Director Will Wong asked if this item will also be continued to the October 22, 2012 meeting. He addressed questions the Council had before this is brought back before them including: traffic engineer opinion, public property usage, and the farmers market temporary sales permit.

By **MOTION**, continue this public hearing to the October 22, 2012 City Council Meeting.

**MOTION: Powers/ Holmes/ Approved 4:0 (Nesbitt absent)**

\*\*\*Council recessed for 5 minutes,  
Council Member Kirby left the meeting \*\*\*

**COUNCIL BUSINESS**

6. **Overview of the City's Current and Past Economic Development Efforts**

City Manager Robert Richardson presented this item (presentation available in the permanent record). He reviewed sales tax revenues since July 2003, the City's initial economic goal, steps taken, completed projects, building phase, recession phase, recovery phase, a year over year comparison, and similar city comparisons. He reviewed upcoming economic development projects including the updates to the Airport, Auburn Industry 2012 event, World Class Adventure Destination,

Developing a Downtown Core, Continued Streetscape Project, Expanding the Employment Base, and Embracing the City's History.

Council Member Holmes said the decreased levels of staff demonstrate the fact that people are now multi-tasking and sharing their jobs. He said the current staffing levels are the same as they were in 1990. He said the sales tax increases will be more beneficial after studied for a longer period of time. He spoke about the importance of Auburn's history.

Council Member Powers spoke about the upcoming Auburn Industry event. She spoke about the great effort by Economic Development Commissioners.

Mayor Hanley said this report demonstrates the wide variety of economic development efforts by the Commissions and City. He said many efforts are unseen. He spoke of the importance of community policing efforts that create a safe environment. He spoke about needed improvements to the Highway 49 corridor.

7. **Temporary Regional Sewer Committee: Appointments**

Mayor Hanley presented this item. He said this committee will be formed to improve further communications in regards to a regional sewer solution. He said he does not want this committee to involve city staff. He said the committee should be held to the Brown Act open meeting standards; even though they are not required.

Council Member Holmes confirmed that this committee will make a recommendation to the Council by December.

By **RESOLUTION 12-103**, approve the appointment of Council Members Kirby and Powers to a temporary Regional Sewer Committee to sunset December 1, 2012.

**MOTION: Holmes/ Hanley/ Approved 3:0 (Nesbitt and Kirby absent)**

**REPORTS**

8. **City Council Committee Reports**

Council Member Holmes reported that the Placer County Transportation Planning Agency will act as the Airport Land Use Committee and will hold a public hearing Wednesday focusing on the Lincoln Regional, Auburn Municipal and Blue Canyon airports. He reported that he and the Public Works Director met with Doug Van Howd and decided on a site for the Bud Anderson monument at the airport. He thanked the Council and others who attended the 9/11 Memorial Dedication. He reported the

Chamber Government Affairs Committee will be looking at the Wild & Scenic resolution again in November. He also reported on the "American made" home being built in Newcastle.

## **ADJOURNMENT**

Mayor Hanley adjourned with the meeting, without objection, at 9:07 p.m.

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Kevin Hanley, Mayor

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Joseph G. R. Labrie, City Clerk

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